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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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BIRCH STEWART KOLASCH & BIRCH LLP
P O BOX 747
FALLS CHURCH, VA 220400747

EXAMINER
TRAN, THUY VAN

ART UNIT	PAPER NUMBER
3652	

DATE MAILED: 11/27/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/474,121	Yang et al.
Examiner	**Art Unit**
Thuy V. Tran	3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Aug 28, 2001*.

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above, claim(s) *2, 4, 5, 9, 11, 12, 15, 19, 21-23, 27, 28, 30, and* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1, 3, 6-8, 10, 13, 14, 16-18, 20, 24-26, and 29* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *Dec 29, 1999* is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☒ All b) ☐ Some* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other:

DETAILED ACTION

Election/Restriction

1. Applicant's election without traverse (no argument was presented) of Species C, Figures 12-17 in Paper No. 6 is acknowledged.

2. Claims 2, 4, 5, 9, 11, 12, 15, 19, 21-23, 27, 28, 30 and 31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

Specification

3. The use of the trademark "echo disk" has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "fixing portion is a fixing member claim 17 fixed at an inner wall surface of the hoistway", and "said fixing portion is a fixing member claim 18 fixed

between the upper portion of the elevator car guide rail and the inner wall surface of the hoistway" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Objections

5. The claims are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 3, 6-8, 10, 13, 14, 16-18, 20, 24-26 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

It is suggested that applicant carefully review and revise the claims.

The claims are replete with indefiniteness problems too numerous to mention specifically. Following are just some examples:

Re claim 1, it is unclear whether "an elevator car", in line 4 is the same as "an elevator car" recited in line 2 or not. Same problem exists with "a pair of counterweight guide rails", in lines 5 and 6-7, as well.

Re claim 3, the phrase "like a pulley, etc." renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Re claim 6, it is not understood what applicant mean by "an upper occupying region S3 by the width of the overall length H occupying at the portion when the car is positioned at the highest floor". Further, there are lack of antecedent basis for elements throughout the claim, e.g., "said upper end portion", "the width of the overall length".

Re claim 7, it is not understood what applicant mean by "said motor roping means drives the elevator car which has a relatively longer movement stroke and the counterweight which has a smaller movement stroke at the same cycle and is roped by a partial roping method". Further, the

recitation "said motor roping means drives the elevator car" renders the claim indefinite because the "built-in winding apparatus" drives the car, not the rope.

Re claim 10, it is unclear what applicant mean by "the lower end point E2 is an upper portion of the counterweight".

Claim 13 contains the trademark/trade name "echo disk". Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a winding apparatus and, accordingly, the identification/description is indefinite.

Re claim 14, it is unclear what applicant mean by "said roping means is roped by a partial 2:3 roping method".

Re claim 20, besides all the antecedent basis in the claim, it is not understood what applicant mean by "a pulley is fixed at lower intermediate portions of the elevator car". Further, it is unclear the locations of the recited pulley(s).

Re claim 24, it is not understood what applicant mean by the following recitations "the elevator car is positioned at an intermediate portion of the hoistway", found in lines 3-4, since

"intermediate" is a relative term, "in an installation region S2 of a front portion or a rear portion in the interior of the hoistway formed as a traveling marginal space", and "a pair of elevator guide rails guide and support both side intermediate portions at both sides of the hoistway".

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 24 (as best understood) is rejected under 35 U.S.C. 102(b) as being anticipated by Haahtikivi et al. 5,036,954.

Haahtikivi et al. '954 discloses an elevator system without a machine room comprising a built-in winding apparatus 5, an elevator car 2 positioned at an intermediate portion of the hoistway, a counterweight 3 positioned below the winding apparatus 5, a pair of counterweight guide rails and a pair of elevator car guide rails.

11. Claim 24 (as best understood) is rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi et al. 6,247,557 (see Figure 3).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 1, 3, 6, 7, 13, 25 and 26 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Haahtikivi et al. 5,036,954 in view of Lane 5,845,745.

Haahtikivi et al. '954 discloses an elevator system comprising a built-in winding apparatus 5 located inside the hoistway for driving an elevator car 2 and a counterweight 3 up and down along their respective guide rails via a traction rope 4. Wherein a movement stroke of the counterweight is shorter a movement stroke of the car. Haahtikivi et al. '954 does not explicitly disclose the exact location of the built-in winding apparatus.

It was well known in the elevator art that having a winding machine mounted on a reinforcing member of counterweight guide rails is one of the alternative ways to eliminate the machine room. Lane '745 discloses such arrangement for the winding machine.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have mounted the built-in winding apparatus of Haahtikivi et al. '954 on a reinforcing member since selection of mounting locations of the winding machine within an elevator hoistway would be within the level of ordinary skill in the art.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Each of the cited references separately discloses roping arrangement for used in elevator systems.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy v. Tran whose telephone number is (703) 308-2558.

11-19-01

DEAN J. KRAMER
PRIMARY EXAMINER

TVT

November 19, 2001